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OFFICE OF PETITIONS

In re Application :
Attarian, et al. :
Application No. 09/747,385 : PATENT TERM ADJUSTMENT
Filed: December 22, 2000 :
Dkt. No.: 2307E-099810US :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed April 29, 2005.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is **DISMISSED**.

Applicants argue that the instant application should have been accorded an adjustment of 161 days.

A review of the application history reveals that in accordance with 37 CFR 1.702(a)(2), an adjustment 188 days can be attributed to the Office. The adjustment began April 3, 2003, the day after the date that is four months after the date a reply under § 1.111 was filed, and ended October 7, 2003, the date the second non-final Office action was mailed. See, 37 CFR 1.703(a)(2).

A further adjustment of 168 days can be attributed to the Office in accordance with 37 CFR 1.702(a)(2). The adjustment began August 13, 2004, the day after the date that is four months after the date a reply under § 1.111 was filed, and ended January 27, 2005, the date of mailing of Notice of Allowance. See, 37 CFR 1.703(a)(2).

Thus, at the time of allowance, an adjustment of 356 days could be attributed to the Office.

The adjustment of 356 days, however, is reduced a total of 450 days for applicants' failure to engage in reasonable efforts to conclude prosecution.

The adjustment of 356 days is reduced 99 days in accordance with 37 CFR 1.704(b). The reduction began December 14, 2002, the day after the date that is three months after the date of mailing of the first non-final Office action, and ended March 22, 2002, the date a response was submitted.

The adjustment of 356 days is further reduced 123 days in accordance with 37 CFR 1.705(c)(8). The reduction began March 23, 2002, the day after the date that is initial reply was filed, and ended July 23, 2002, the date a second amendment was filed.

The adjustment of 356 days is further reduced 132 days in accordance with 37 CFR 1.705(c)(8). The reduction began July 24, 2002, the day after the date the second reply to the non-final Office action was filed, and end December 2, 2002, the date the supplemental response to the first non-final Office action was filed.


The adjustment of 356 days is further reduced 96 days in accordance with 37 CFR 1.704(b). The reduction began January 8, 2004, the day after the date that is three months after the date of mailing of the second non-final Office action, and ended April 12, 2004, the date a response to the second non-final Office action was filed.

In view thereof, at the time of Notice of Allowance the application is entitled to a patent term adjustment of zero days.

The Office acknowledges receipt of the required \$200.00 application fee submitted herewith.

This application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.


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